

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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WILLIE NASH and HELEN BRANTLEY,

Plaintiffs,

v.

KATHLEEN HEYDE, et al.

Defendants.

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ORDER

Case No. 16-cv-223-wmc

Plaintiff Willie Nash, a prisoner in the custody of the Wisconsin Department of Corrections and plaintiff Helen Brantley have submitted a proposed complaint. Plaintiff Nash has filed a certified copy of a trust fund account statement in support of the motion for leave to proceed without prepaying the fee. After considering the motion and supporting documentation, the court concludes that plaintiff Nash qualifies for indigent status.

Even when a prisoner litigant qualifies for indigent status, the litigant must pay a portion of the fee returned by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff's trust fund account statement, I calculate plaintiff's Nash initial partial filing fee to be \$111.61. For this case to proceed, plaintiff Nash must submit this amount on or before May 6, 2016.

If plaintiff Nash does not have enough money to make the initial partial payment from his regular account, plaintiff should arrange with authorities to pay the remainder from his release account.

ORDER

IT IS ORDERED that,

1. Plaintiff Willie Nash is assessed \$111.61 as an initial partial payment of the \$350.00 fee for filing this case. Plaintiff Nash is to submit a check or money order made payable to the clerk of court in the amount of \$111.61 or advise the court in writing why he is not able to submit the assessed amount on or before May 6, 2016.

2. If, by May 6, 2016, plaintiff Nash fails to make the initial partial payment or show cause for failure to do so, he will be held to have withdrawn from this action voluntarily.

3. No further action will be taken in this case until the clerk's office receives plaintiff Nash's initial partial filing fee as directed above and the court has screened the complaint as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 13<sup>th</sup> day of April, 2016.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge